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December 6, 2022

VIA ECF

Magistrate Judge Robert M. Levy
United States District Judge
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

Re: *Jean Hogan v. Capital One, N.A.*, Index No. 1:22-cv-1028
Joint Request to Extend Discovery

Dear Judge Levy:

We represent Defendant Capital One, N.A. ("Capital One") in the above-referenced action. Capital One, jointly with Plaintiff Jean Hogan, submits this application for an extension of fact discovery from April 6, 2023 to May 19, 2023.

By way of procedural background, following the initial conference, the Court issued a docket order on June 1, 2022 scheduling a fact discovery cut-off of January 6, 2023. Thereafter, on November 14, 2022, following the Court's partial granting and partial denial of Plaintiff's motion to compel, the Court extended fact discovery 90 days to the current deadline of April 6, 2023.

On December 1, 2022, Capital One served Plaintiff with a formal written notice of deficiencies with respect to Plaintiff's responses to Capital One's document demands and interrogatories. In the written notice, Capital One requested that Plaintiff meet and confer by telephone to discuss the deficiencies. However, on December 5, 2022, Plaintiff's counsel informed Capital One that Plaintiff could not discuss the deficiencies before the end of the year. Plaintiff's counsel has a trial this week, then multiple depositions, and is out of town on vacation beginning December 19.

In light of the fact that Capital One is unable to proceed forward with the deposition of Plaintiff without the missing documents and information, and given the likelihood that discovery motion practice from Capital One might be required in late January or into February, the discovery cut-off of April 6, 2023 is untenable. Moreover, Plaintiff wants to move forward with her depositions in early January. Therefore, in light of Plaintiff's ability to advance forward in discovery, and Capital One's inability to move forward for more than a month, the Parties request an extension of discovery.

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Accordingly, for the foregoing reasons, the Parties request that the Court “so order” this application and extend discovery

Respectfully submitted,

/s/ Stephen J. Steinlight
Stephen J. Steinlight

cc: All Counsel of Record (via ECF)